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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**EUGENE DIVISION**

**UNITED STATES OF AMERICA**

**Case No. 10-CR 60066-HO**

**v.**

**GOVERNMENT'S RULE 16 EXPERT  
WITNESS NOTIFICATION**

**STEVEN DWIGHT HAMMOND and  
DWIGHT LINCOLN HAMMOND, JR.,**

**Defendants.**

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The United States of America, by S. Amanda Marshall, United States Attorney for the District of Oregon, and through Amy E. Potter and Frank Papagni, Assistant United States Attorneys, hereby submits this Rule 16 Notice of Expert Testimony.

The government is providing notice of its expert witnesses pursuant to Federal Rule 16. In addition to traditional expert witnesses, the government is providing notice that certain fact

witnesses may be asked to testify on their opinions, based on their training and expertise regarding certain things they observed. The witnesses are as follows:

### **EXPERT WITNESSES**

#### ***Fire Cause Experts***

1. Charlie Martin:

Charlie Martin is a Fire Behavior Analyst who has had training in fire behavior, fire tactics and strategy, fire effect and fire ecology and has held numerous qualifications in those areas. He has had thirty years experience, much of it as an employee with the U.S. Forest Service, with wildland firefighting properties, effects and responses. He is prepared to testify regarding fire behavior, fire direction indicators, the systematic methodology of determining fire cause and origin, and the elimination of certain fire causes of the Grandad fire. His CV is at Bates 06.G18142 thru 06.G18145 and his reports are at Bates 06.G00358 thru 06.G00368.

2. Jeff Stampfly

Jeff Stampfly is a Certified Forester and Fire Behavior Analyst. He has a degree in Forest Management and has extensive experience working in wildland firefighting as well as training in forestry and fire related subjects. He is prepared to testify regarding fire behavior, fire direction indicators, the systematic methodology of determining fire cause and origin, and the elimination of certain fire causes of the Grandad fire. His CV is at Bates 06480 thru 06482 and his report is at Bates 06.G00369 thru 06.G00372.

3. Lynn Miracle

Lynn Miracle is a BLM Wildland Fire Cause Investigator who has received training in land management policing, wildfire investigation, wildland fire cause and determination, fire

behavior and crime scene technology. He has investigated 26 arson fires and 104 fires that were found not to be arson related. He will testify regarding fire behavior, fire direction indicators, fire scene evidence, the systematic methodology of determining fire cause and origin, and the cause and origin of the Lower Bridge Creek and Grandad fires. His CV is at Bates 06483. His reports related to the Lower Bridge Creek fire are at Bates 06.L00001-06.L00092. His reports related to the Grandad fire are as follows: (1) Grandad Ignition #1 - 06.G01019; (2) Grandad Ignition #2 - 06.G01075; (3) Grandad Ignition #3 - 06.G01139; (4) Grandad Ignition #4 - 06.G01178; (5) Grandad Ignition #5 - 06.G01207; (6) Grandad Ignition #6 - 06.G01301; (7) Grandad Ignition #7 - 06.G01308; and (8) Grandad Ignition #10 - 06.G00279. His training records are located at Bates TRAINING\_DOCS 00092 - 00133.

4. Carrie Bilbao:

Carrie Bilbao is a BLM Wildland Fire Cause Investigator/Fire Prevention Officer who is currently the lead fire investigator and fire trespass coordinator for the Boise District of BLM. She has 19 years of fire investigation and wildland fire operation experience and has extensive training in fire investigation and fire prevention. She has investigated over 800 wildland fires and has previously testified as an expert witness in a federal arson case. She will testify about fire behavior, fire direction indicators, fire scene evidence, the systematic methodology of determining fire cause and origin, and the cause and origin of two of the ignitions of the Grandad fire. Her CV is at Bates 03582- 03586. Her reports on the Grandad fire are as follows: Grandad Ignition #8 - 06.G01442 and Grandad Ignition #9 - 06.G01547.

5. Charles Miller

Charles (“Chuck”) Miller is a retired Oregon Department of Forestry Wildland Fire Cause Investigator who has over twenty years experience in fire management. He has received extensive training in multiple areas including wildfire, vehicular and structure fire cause and origin, NFPA 921, chemistry of fire, and fire pattern analysis. He is a member of the International Association of Arson Investigators. He will testify regarding fire behavior, fire direction indicators, fire scene evidence, the systematic methodology of determining fire cause and origin, and the fire causes and origins of the Grandad “trail” fires. His CV is at Bates 06465 - 06467 and his reports are at Bates 06.G01380 - 06.G01441.

6. Janice Madden

Janice Madden is a BLM Wildland Fire Cause Investigator and has been involved in wildland fire investigations since 1996. She has worked with the Oregon Arson Task Force and is a member of the International Association of Arson Investigators. She has received training on fire investigations, arson and fire prevention. She will testify regarding fire behavior, fire direction indicators, fire scene evidence, the systematic methodology of determining fire cause and origin, and the fire causes and origins of the Grandad “trail” fires. Her CV is at Bates 03587-03589. Her reports are at Bates 06.G01380 - 06.G01441.

7. Gary White

Gary White is a Wildland Fire Cause Investigator who has worked for various government agencies as a fire investigator since 1975. He is a member of the International Association of Arson Investigators. He has published on fire scene diagraming and origin and cause determinations and has taught wildland fire cause and origin courses. He will testify

regarding fire behavior, fire direction indicators, fire scene evidence, the systematic methodology of determining fire cause and origin, and the cause and origin of the Krumbo Butte fire and one ignition of the Grandad fire. His CV is at Bates 06.G00393 - 06.G00394 and his Instructor/Training Materials are at Bates 06.G03202 - 06.G03886. His reports on the Krumbo Butte Fire are at 06.K00027 - 06.K00070 and his report on Grandad Ignition #10 is at Bates 06.G00279 - 06.G00296.

8. John Bird

John Bird works for the West Virginia Department of Agriculture as a Wildland Fire Cause Investigator. His extensive experience in wildland fire investigations. He is nationally qualified as a wildland fire investigator and a canine handler for wildland fire investigations. He will testify regarding fire behavior, fire direction indicators, fire scene evidence, the systematic methodology of determining fire cause and origin, and the fire causes and origins regarding the Krumbo Butte and Grandad fires. His CV is at Bates 03590- 03594. His reports regarding the Krumbo Butte fire are at Bates 06.K00027 - 06.K00070, Grandad Ignitions #6 and #10 at Bates 06.G00115 - 00121 and Bates 06.G00279 - 06.G00296 respectively, and the Grandad trail fires at Bates 06.G01380 - 06.G01441.

***Tracking Expert***

9. Joe Flores

Joe Flores is a United States Border Patrol agent who has training and experience regarding tracking (sign cutting). He will testify regarding the tracks found at the Grandad fire scenes. His CV is at Bates 03597 and his training records are at Bates 03598-03609. The memorandum of interview regarding his testimony is at Bates 00109.

***Depredation Expert***

10. Jeffrey Rose

Jeffrey Rose is a BLM Fire Ecologist who has specialized training in conservation issues and develops stabilization and rehabilitation plans following wildfires. He will testify regarding the stabilization and rehabilitation treatments pre- and post-fire. His CV is at Bates 00192. The Emergency Stabilization Plan/Environmental Assessment is at Bates 03788-03797. The BAER report is at Bates 06.G18139.

11. Daniel Gonzalez

Daniel Gonzalez is a U.S. Forest Service Fish & Wildlife Biologist who has experience and training regarding the protection, management and improvement of fish and wildlife habitat. He will testify regarding rehabilitation efforts after the Lower Bridge Creek/Grandad fires. His CV is at Bates 06468- 06479. His MOI is at Bates 00134 and his report is at Bates 06.G18170 - 06.G18174.

***Expert on Lightning Data***

12. Lightning Data Expert

The government will call a Lightning Data Analyst who will testify regarding the presence of lightning during the Hardie/Hammond, Lower Bridge Creek, Krumbo Butte and Grandad fires. His CV will be provided upon its receipt. The lightning reports for the following fires are located as follows: 1996 Little Fir Fire (Bates 96.00039 - 96.00044), 1999 Fir Creek/Bridge Creek Fire (99.00041 - 99.00044), 2001 Hardie-Hammond Fire (Bates 01.00236 - 01.00240), 2005 Fir Creek Fire (05.00156 - 05.00164), 2006 Krumbo Butte Fire (Bates

06.K00073 - 06.K00080), 2006 Grandad Fire (06.G02593 - 06.G02623, 06.G04668 - 06.G04677). Additional reports will be provided as they become available.

#### **FACT WITNESSES WHO MAY OFFER LIMITED OPINIONS**

##### ***Air Support Witnesses Who Will Testify Based on Aerial Observations***

13. Joe Bates:

Joe Bates was an Air Tactical Group Supervisor (ATGS) and has extensive experience working as an ATGS and in other air support roles fighting wildland fires. He is predominately a fact witness but will offer an opinion based on his aerial observations as to the behavior and cause of the fires ignited near Lance Okeson, Joe Glascock, Chad Rott and Lisa Magargee. His work history is at Bates 03596 and his MOI is at Bates 0079.

14. Bill Lampert

Bill Lampert was also an Air Tactical Group Supervisor (ATGS). He is predominately a fact witness but will offer an opinion based on his aerial observations as to the cause and behavior of the Lower Bridge Creek/Krumbo Butte fires. His witness statement is at Bates 00139.

##### ***Firefighters Who Will Testify Based on Personal Observations***

15. Lance Okeson

Lance Okeson is currently the Fuels Program Lead for the Boise Office of the Bureau of Land Management (BLM). He has worked in wildland fire fighting since 1984 and has received over 1,100 hours of wildland fire training. He is predominately a fact witness but will offer an opinion based on his training, experience and observations as to fire behavior, fire direction indicators, ignition factors and sources, fire scene evidence and fire safety. His CV is at Bates

06.G18146 - 06.G18154, his training/certification records are at Bates 06.G00870 - 06.G00874 and 06.G18156 - 06.G18160, his 7/06 Incident Qualification Card is at Bates 03612- 03613, and MOIs related to his testimony (specifically his fact witness testimony) are at Bates 00037-00038, 00159-00160, and 00165-00171.

16. Joe Glascock

Joe Glascock is a former BLM Range Conservationist. He is predominately a fact witness but will offer an opinion based on personal observations as to fire behavior, fire direction, and the methodology behind fire suppression activities for Lower Bridge Creek and Grandad Fires. The MOIs regarding this witness are Bates 00036-37, 00131 - 00133. His interview with Lynn Miracle is at Bates 00113 - 00130 and his Lower Bridge Creek photos/logs are at Bates 06.L00128 thru 06.L00191. His training records are at Bates 06.G00861 - 06.G00862.

17. Brett Dunten

Brett Dunten is a former contract firefighter. He is predominately a fact witness but will offer an opinion based on personal observations as to fire behavior, fire direction and the likely cause of a series of fires ignited below him on Krumbo Butte. His MOI/statement is at Bates 00039.

18. Ryan Hussey

Ryan Hussey is a BLM Firefighter. He is predominately a fact witness but will offer an opinion based on personal observations as to fire behavior, fire direction and the likely cause of a series of fires ignited below him and his fire crews on Krumbo Butte. His MOI/statement is at



Bates 00038-39. His training records/certification have been requested from BLM and will be provided upon receipt.

19. Chad Rott

Chad Rott is a BLM Fuels Tech/Firefighter. He is predominately a fact witness but will offer an opinion based on personal observations as to fire behavior, fire direction and the likely cause of a series of fires ignited near him and Lisa Megargee which were part of the Grandad Fire. His MOI/statement is at Bates 00038, 00042, 00203-208. His training records/certification are at Bates 06.G00865 - 06.G00869.

20. Lisa Megargee

Lisa Megargee is a BLM Firefighter who has also served as a firefighter on a "Hot Shot" crew. She is predominately a fact witness but will offer an opinion based on personal observations as to fire behavior, fire direction and the likely cause of a series of fires ignited near her and Chad Rott which were part of the Grandad Fire. Her MOI/statements are at Bates 00038, 00151, 00203. Her training records/certification are at 06.G00863 - 06.G00864.

***Fact Witnesses Who Will Testify Regarding Suppression Costs***

21. Jonathan Manski

Jonathan Manski is a BLM Unit Aviation Manager who has worked in wildland firefighting since 1980. He is predominately a fact witness but his testimony will encompass an opinion on the costs related to fire suppression and investigation. His CV is at Bates 03595. His training records are at TRAINING\_DOCS 00004 - 00012. His initial report regarding Grandad fire suppression costs are at Bates 00147. Additional financial/cost reports related to the Grandad

Fire are located at Bates 05381 - 05731. Additional fire suppression cost-related reports will be provided as they may become available.

22. Dave Ward

Dave Ward is a BLM Rangeland Management Specialist who was the “range conservationist” for the Hammond grazing allotments. He is predominately a fact witness but will testify as to damages and costs associated with the Hardie-Hammond fire. His interview is at Bates 00008 - 00009. His reports are at Bates 01.00026 - 01.00030, 01.00119 - 01.00120, 01.00249 - 01.00250. His training record/certification is at Bates TRAINING\_DOCS 00134.

***Fact Witnesses Who Will Testify on Fire Safety Issues***

23. Dave Toney

Dave Toney is a BLM Fire Management Officer (FMO) and was initially assigned as the Incident Commander on the Grandad fire. He will testify regarding wildland fire management and prescribed burning, fire behavior, fire suppression and safety. His MOI is at Bates 00219. His training records have been requested and will be provided upon receipt.

24. Steven Morefield

Steven Morefield is a retired BLM Deputy FMO. He will testify regarding wildland fire management and prescribed burning, fire behavior, fire suppression and safety. His CV/MOI is at Bates 00154.

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***FAA Fact Witnesses Who Will Testify Regarding FAA Issues***

25. Patrick Darling

Patrick Darling is an Aviation Safety Inspector who will testify regarding FAA rules, regulations and requirements. While the government does not believe this is necessarily expert testimony, we are noticing his testimony in an abundance of caution.

26. Warren Silberman

Warren Silberman is a medical doctor with the FAA who will testify regarding the need for medical certifications. While the government does not believe this is necessarily expert testimony, we are noticing his testimony in an abundance of caution.

Dated this 31st day of January 2012.

Respectfully submitted,

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